

9/20/06

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 20 2006

In re Application of : Joseph Lee BOYARSKI  
Serial no. : 10/761,506  
Filed : January 21, 2004  
For : FOLDING COIN PURSE AND METHOD OF  
MAKING THE SAME  
Group Art Unit : 3727  
Examiner : Sue A. WEAVER  
Docket : THOLAM P225US

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE

Dear Sir:

This response is being filed in reply to the official action mailed August 29, 2006. In that action, the Examiner requires an election of species, under 35 U.S.C. § 121, between one of the following alleged patentably distinct species of the invention:

- I. Figures 1-6;
- II. Figure 7;
- III. Figure 10; or
- IV. Figure 14.

The Applicant elects to prosecute the species of the claimed invention shown in FIGS 1-6 of the drawings. The Applicant also elects claims 4, 5, 7, 10 and 11 which are readable on the elected species to be prosecuted on the merits.

The Applicant does not waive any rights with respect to the non-elected species and does not intend to abandon that subject matter. If the Examiner makes the election requirement final, the Applicant respectfully requests that the non-elected species be withdrawn from further consideration but remain in this application subject to reinstatement, in the event that a generic claim is allowed, or for possible filing of a divisional application(s).

Lastly, in the official action, the Examiner notes that the Information Disclosure Statement filed April 12, 2004 fails to comply with 37 CFR 1.98(a)(2) which requires a legible copy of each cited foreign patent document; each non-patent literature or portion which caused it to be listed; and all other information or that portion which caused it to be listed. In response, the Applicant respectfully submits that the previously filed Information Disclosure Statement did, in fact, comply with all of the requirements of 37 CFR 1.98(a)(2) since a copy of each cited foreign patent document or non-patent literature accompanied the previously filed Information

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Disclosure Statement, see attached copy of the returned postcard confirming receipt of such information. Notwithstanding this, a further copy of each missing foreign patent document or non-patent literature accompanies this Response. The Examiner is respectfully requested to consider this art at this time. As this art is again being submitted prior to the first substantive action on the merits, no official fee is believed necessary in order for the Examiner to substantively consider this art.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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